IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1934 OF 2003

IN

SUIT NO. 1992 OF 1994

Larsen & Toubro Limited .. Plaintiff

vs.

Bhumi Electrical

& Anr. .. Defendants.

V.A. Bhaga a/w Akshay Patil for plaitniff.

None for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 28th OCTOBER, 2005.

P.C.

. The plaintiff has filed the present suit for copyright and passing off action in respect of their goods being ELECTRIC SWITCH, FUSE LINK and THREE POLE ON-OFF ELECTRIC SWITCH as shown in Exhibits A-1 to A-13. It is the case of the plaintiff that each of the said items are duly registered under the Designs Act and the certificates are annexed as Exhibits A-1 to A-13. The learned counsel for the plaintiff states that the period of registration in respect of Exhibits A-1 to A-8 has already expired

and therefore he is seeking no relief in respect of the said designs. However, he contends that in so far as the valid certificates are concerned i.e. the designs in respect of Exhibits A-9 to A-13 he is entitled to the protection since the registration is valid. He also seeks order of passing of under prayer clause (b). The motion has ben served. The defendants have not appeared on earlier occasions. Accordingly, by my order dated 27.10.2005 I directed the plaintiff to give fresh notice to the advocate of the defendants. Accordingly, a fresh notice has been given on 26.10.2005 both personally as well as by fax. Inspite of the same, none appears for the defendants. In view thereof, I pass the following order.

> There shall be an interim order and injunction in terms of prayer clause (a) restricted to the designs covered by Exhibits A-9 to A-13. There shall be also interim order in terms of prayer clause (b). Motion disposed of accordingly. No order as to costs.